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February 28, 1995

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Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Reply comments in response to the Notice of Proposed Rulemaking in ET Docket No. 94-124, RM-8308 (released November 8, 1994) relating to the use of frequencies above 40 GHz for a Local Millimeter Wave Service.

Dear Members of the Commission:

This letter is in regard to my comments in response to the Notice of Proposed Rulemaking in ET Docket NO. 94-124, RM-8308 relating to the use of frequencies above 40 GHz for a Local Millimeter Wave Service. In these comments, a copy of which is attached, I stated support for a rulemaking to create an LMWS that would allow Troy State University Montgomery and the Troy State University System to deliver educational services to rural southeastern Alabama.

Although the Troy State administration continues to support an educational set-aside for LMWS at the 40 GHz band, it does not recommend doing so in place of educational spectrum for LMDS at the 28 GHz level. Conflicting testimony from technical experts makes it impossible to predict which service will be technically preferable and most cost effective for educators or commercial enterprises to develop first in our area. The only way for the Commission to insure the University has access to whichever service is developed is to establish an educational set-aside for all new spectrum. As stated in more detail in my January 30 letter, set-asides should have excess capacity leasing regulations and relaxed construction schedules, and commercial licensees should be required to provide access for local educators.

We urge the Commission not to close the door on educational licensing for any new spectrum, but to create rules that balance the needs of citizens who can benefit from the services of both commercial programmers and educators.

Respectfully submitted,

TROY STATE UNIVERSITY MONTGOMERY

By: Norman Wagner  
Norman Wagner, Ph.D.,  
Dean, Distance Learning and  
Extended Academic Services

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TROY STATE UNIVERSITY IN MONTGOMERY

January 30, 1995

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Dear Members of the Commission:

Troy State University Montgomery (TSUM) is an independently accredited campus within The Troy State University System, whose service territory includes most of southern Alabama. TSUM enrolls approximately 600 students per quarter in televised courses distributed by cable companies in the Montgomery area. For video programming, cable television works well for us in Montgomery, but provides no access to rural areas.

The Troy State University System soon will complete the construction of two-way point-to-point microwave television service among the Montgomery, Troy, Phenix City, and Dothan campuses. Microwave television will allow the system to expand services to our campuses, which are located in the larger communities of southeastern Alabama. However, homes and schools in the areas of greatest need, the most rural areas, will remain unserved.

Because of our concern with service to rural southern Alabama and in response to the proposed creation of a Local Millimeter Wave Service at 40.5 - 42.5 GHz, the TSUM administration recommends the Commission include the following provisions in any LMWS rulemaking:

1. The LMWS spectrum should include a set-aside for educators. This block should be of a sufficient size to allow TSU campuses to deliver two-way televised programming in addition to data, including library, services to public schools, community colleges, homes, and employers in southern Alabama on channels dedicated to specific audiences. The block also should be of adequate size that excess capacity can be available for leasing.

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2. The Rand McNally Basic Trading Areas would provide a useful basis for establishing licensing territories. The Montgomery, Dothan/Enterprise, Selma, and Columbus, Georgia BTA's are of most interest to us.
3. Excess capacity air time leasing regulations similar to those available for ITFS should be included in order to create the possibility for a revenue flow that would allow the University to more quickly develop the technical capability to deliver services.
4. Commercial licensees should be required to provide access for local educators, such as is required of cable television systems by franchising authorities. This would be important in geographic areas in which the University could not construct its own system and in which leasing to a commercial system is not possible. Most of the areas of southern Alabama that are in greatest need of TSU services are very rural with only extremely small towns. In these most rural areas, construction of a system solely for educational purposes might be cost-prohibitive for many years.
5. Deadlines for completing construction in any licensing area should be relaxed for educators in order to encourage expedient development of services to locales in greatest need.

The TSUM administration urges the Commission not to close the door on educational licensing for this portion of the spectrum, and to create rules that balance the needs of rural Alabamians who currently could benefit from the services of both commercial programmers and the University. If there are questions concerning these comments, please contact Norm Wagner at (334) 241-9764.

Respectfully submitted,

TROY STATE UNIVERSITY MONTGOMERY

By: Norman Wagner  
Norman Wagner, Ph.D.  
Dean, Distance Learning and  
Extended Academic Services